THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8184 of 2007

Date: 19.04.2007

Between:

Smt Y.Padmakshi.

....Petitioner

And

Divisional Cooperative Officer.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8184 of 2007

O R D E R:

Petitioner assails the proceedings, dated 10.04.2007, issued by the sole respondent. This, in turn, was preceded by a show cause notice, dated 14.03.2007. The petitioner submits that the various proceedings initiated by the respondent are contrary to the provisions of law, apart from being derogatory, disrespectful and inconsistent. It is contended that on the one hand, the respondent held that the co-option of one of the Members is illegal and on the other, observed that the whole controversy must be given a quietus.

Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operation.

The petitioner was elected as the President of Yenugupalli Primary Agricultural Co-operative Society. Some of the members of the Managing Committee appeared to have submitted a representation to the respondent, alleging that the petitioner is not discharging her functions, in accordance with the provisions of law. Thereupon, the respondent issued a show cause notice,

dated 14.03.2007, which is referable to Section 55 of the A.P.Co-operative Societies Act, 1964 (for short 'the Act'). The notice is in Telugu and the language adopted by the respondent is totally objectionable. He did not even maintain the basic courtesy, that too, towards a woman, who was elected as the President of a Co-operative Society.

Be that as it may, the proceedings, dated 10.04.2007, are some what interesting to read. There is no reference to the show cause notice, dated 14.03.2007. On the one hand, the respondent declared that the explanation offered by the petitioner is not satisfactory and that the co-option of one Mr.Manepalli Suryanarayana is contrary to law. On the other, he tendered an unsolicited advice to the petitioner, to act in harmony with the other members and to give quietus to the controversy. The respondent was either confused, while issuing the proceedings, or is not conversant with the basic tenets of the relevant provisions of law. In case, he intended to declare the co-option as invalid, he ought to have issued a notice, to the affected party and passed appropriate orders, in accordance with the relevant provisions of law. The respondent appears to be reeling under the impression that he can control the petitioner or for that matter, the societies, as he likes, irrespective of the

procedure prescribed under the Act and Rules.

For the foregoing reasons, the Writ Petition is allowed and the impugned order is set aside. The respondent is warned to be careful hereinafter, in using the language in correspondence with the elected President or for that matter, any others. There shall be no order as to costs.

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19.04.2007

JSU